

REMARKS

1 Claims 1-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by
Marshall (US 6,655,319). Although it is believed that claims 1-7 are patentably distinct
from Marshall, claims 1, 2, 5 and 6 have been amended to more specifically describe
5 applicant's invention. Claim 1 has been amended to describe that the sound-
producing device is automatically activated when the load cell senses a predetermined
weight on the bird feeder when a squirrel or large bird moves onto the bird feeder.
Claim 2 has also been amended to describe that the sound-producing device may also
be activated when the remote control receiver receives a signal from a remote control.
10 Claim 5 has been amended to describe that the light emitting device is automatically
activated when the load cell senses a predetermined weight on the bird feeder when a
squirrel or large bird moves onto the bird feeder. Claim 6 has been amended to
describe that the light emitting device may also be activated when the remote control
15 receiver receives a signal from a remote control.

According to applicant's understanding of the Marshall patent, the sound-
producing device of Marshall can only be activated through the use of a remote
control. Therefore, claims 1-7 cannot be anticipated by Marshall under 35 U.S.C. §
20 102 since Marshall does not teach that the sound-producing device is automatically
activated when the load cell senses a predetermined weight on the bird feeder when a
squirrel or large bird moves onto the bird feeder and which also may be activated
when the remote control receiver receives a signal from a remote control. With
respect to claims 5-7, applicant has been unable to locate any description in the
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1 specification of Marshall which would indicate that a light emitting device is activated at
all and cannot find any indication in the Marshall specification that the light emitting
device would be automatically activated when the load cell senses a predetermined
weight on the bird feeder.

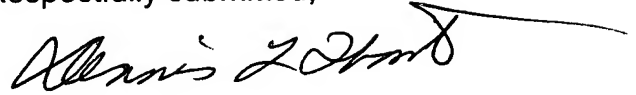
5 Accordingly, claims 1-7 cannot be anticipated by Marshall under 35 U.S.C. §
102(b).

10 With respect to the Examiner's rejection of claims 8-11 under 35 U.S.C. §
103(a) as being unpatentable over Marshall, there is absolutely no suggestion or
motivation to modify the Marshall device so that a sound-producing device or a light
emitting device could be automatically operated upon the load cell sensing the weight
of a squirrel or large bird. There is absolutely no suggestion whatsoever in the prior
art that the sound-producing device automatically emits the sound of an animal
15 (claim 8); automatically emits the sound of a hawk or eagle (claim 9); the sound-
producing device automatically emits the sound of a cat (claim 10); or the sound-
producing device automatically emits the sound of a dog (claim 11).

Accordingly, the Examiner is respectfully requested to withdraw the rejection of
the claims and to allow claims 1-11.

20 No fees or extensions of time are believed to be due in connection with this
Amendment; however, please consider this a request for any extension inadvertently
omitted and charge any additional fees to Deposit Account No. 502093.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for RAYMON W. LUSH, Serial No. 10/827,033, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313, on this 21st day of February, 2005.



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